

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
(Abingdon Division)**

CURTIS D. STILTNER,

Plaintiff,

v.

BIG LOTS STORES, INC.,

Defendant.

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Civil Action No.: _____

NOTICE OF REMOVAL

Defendant, BIG LOTS SOTRES, INC. (hereinafter "Big Lots"), by and through counsel, hereby gives notice of removal of the above action from the Circuit Court for the County of Tazewell ("Circuit Court") to the United States District Court for the Western District of Virginia, Abingdon Division, pursuant to 28 U.S.C. §§ 1332(a), 1441, and 1446. As set forth below, this Court has original diversity jurisdiction over this action pursuant to Section 28 U.S.C. § 1332. All requirements for removal of this action are met through the allegations contained in the pleadings filed in the Circuit and this Notice of Removal.

In support of this Notice of Removal, Defendant states as follows:

1. There is pending in the Circuit Court for the County of Tazewell, Virginia a Complaint styled *Curtis D. Stiltner v. Big Lots Stores, Inc.*, Case No. CL21-130 (the "State Court Action"). The Complaint in the State Court Action was filed on or about January 21, 2021. A copy of the Complaint is attached hereto as **Exhibit A**.

2. Defendant was served with a copy of the Complaint in the State Court Action on or about February 3, 2021. Defendant filed an Answer to Plaintiff's Complaint

on February 19, 2021 in the Circuit Court for Tazewell County. A copy of the Answer is attached hereto as **Exhibit B**.

3. There have been no further proceedings in the State Court Action.

4. This Notice of Removal is filed within thirty days upon which Defendant was first served with a copy of the Complaint and is therefore timely pursuant to 28 U.S.C. § 1446(b).

5. The State Court Action is properly removed under 28 U.S.C. § 1441(a) because the State Court Action is subject to the original jurisdiction of this Court pursuant to 28 U.S.C. § 1332, as explained below.

6. Defendant is informed and believes the plaintiff, Cutis Stiltner, is an individual residing in and a citizen of the Commonwealth of Virginia.

7. Defendant Big Lots Stores, Inc. is incorporated under the laws of the State of Ohio and has its principal place of business in Columbus, Ohio.

8. Plaintiff's Complaint seeks damages in the amount of \$250,000.

9. This action is properly removed on grounds of diversity jurisdiction because (a) complete diversity exists between the Plaintiff and Defendant, and (b) the amount in controversy herein exceeds the sum or value of \$75,000, exclusive of interest and costs.

10. Written notice of the filing of this Notice of Removal will promptly be given to Plaintiff and the Clerk of the Circuit Court for the County of Tazewell, Virginia, as required by 28 U.S.C. § 1446(d).

WHEREFORE, Defendant BIG LOTS STORES, INC. respectfully requests that this case proceed before this Court as an action properly removed.

BIG LOTS STORES, INC.

/s/

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*Counsel for Defendant Big Lots Stores,
Inc.*

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing "Notice of Removal" was emailed and mailed, first class, postage prepaid, this 24th day of February, 2021 to counsel of record addressed as follows:

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